

REMARKS/ARGUMENTS

The present amendment is submitted in response to the Office Action dated July 12, 2007, which set a three-month period for response, making this amendment due by Tuesday, November 13, 2007, since Monday, November 12, 2007, was a national holiday.

Claims 6 and 8-10 are pending in the application.

In the Office Action, claims 6-8 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,046,789 to Lee. Claims 6, 9, and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,131,829 to Masser.

Looking next at the substantive rejections of the claims, the claims have been amended to more clearly define the present invention over the cited references. Specifically, the claims have been amended to be directed to a "transport container", rather than a "receptacle". In addition, claim 6 was amended to define that the means are disposed only in the corner regions of the transport container. Claim 7 therefore was canceled.

Neither Lee nor Masser specifically discloses a transport container with means for interlocking and positioning the containers disposed only in corner regions of the containers.

The cited reference to Lee discloses a system of panels that are combined to form receptacles. These receptacles are described as useable as small containers for paints, toys and the like. The receptacles also can be combined by sliding compatible structures on the side wall of two containers into engagement. The receptacles disclosed by Lee certainly are not usable as freight containers.

In contrast to the present invention as defined in amended claim 6, Lee discloses that the interlocking structures are provided on the entire surface of each panel and not only in the corner regions.

Regarding Masser, this reference discloses article containers, namely carrying containers for bottles. These containers can be interlocked by engaging complementary structures arranged on the outer side of the container along the upper and lower edges. Again, the connecting elements are not disposed only in the corner regions.

In addition, the trapezoidal shape of the interlocking elements requires that these elements are not identical on two opposing sides of the container. As shown in Fig. 1, the interlocking elements are oriented with the smaller edge upwards, while the complementary elements on the two non-visible sides must be oriented with the shorter edge downwards in order to engage the recess between the two respective elements on the next container. These containers, therefore, cannot be interlocked in any position; rather the container must be oriented as shown in Fig. 1.

In the case of freight containers, therefore, this would mean that to interlock one container with another, the container in 50% of the cases would have to be turned around. This would not be desirable. In addition, if freight containers were provided with structures as disclosed in Masser, the containers could not be lowered in a straight line while interlocking. The containers would have to be separated by a certain distance while lowering one container next to another one in order to avoid a collision of the interlocking elements on the lower edge of the moving container with the locking elements on the upper edge of the container which is already at rest.

This need to accommodate for the interlocking elements in this manner would make the handling of the containers more complicated than necessary.

The interlocking elements of the present invention allow the containers to be lowered and interlocked in a straight line downwards right at the position in which the container shall be finally placed.

Because claim 6 as amended includes features that are not disclosed by either Lee or Masser, the rejections under Section 102 cannot stand. The Applicant furthermore respectfully submits that neither Lee nor Masser is a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that "a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference", and that "the identical invention must be shown in as complete detail as is contained in the ... claim".

The application in its amended state is believed to be in condition for allowance. However, should the Examiner have any comments or suggestions, or wish to discuss the merits of the application, the undersigned would very much welcome a telephone call in order to expedite placement of the application into condition for allowance.

Respectfully submitted,



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